

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL HENNER
ELIZABETH HENNER,

Plaintiffs,

DECISION AND ORDER

10-CV-6129L

v.

NICHOLAS D. DI CELLO,

Defendant.

The parties having advised the Court that they have reached a tentative settlement of the claims in this case, defendant's motion to dismiss (Dkt. #5), and plaintiffs' motions for a stay (Dkt. #8) and for leave to file an amended complaint (Dkt. #17) are denied as moot, without prejudice to refile in the event that the proposed settlement is not finalized or effectuated.

IT IS SO ORDERED.



DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York
April 20, 2011.